



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,722	11/16/2001	Dayong Chen	4015-1702	2826

24112 7590 07/25/2006

COATS & BENNETT, PLLC
P O BOX 5
RALEIGH, NC 27602

EXAMINER

WANG, TED M

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

57

Office Action Summary	Application No. 10/002,722	Applicant(s) CHEN ET AL.	
	Examiner Ted M. Wang	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-22 is/are allowed.
- 6) ☒ Claim(s) 1,2,7 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/23/2005 has been entered.

Response to Arguments

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specification

3. The disclosure is objected to because of the following informalities:

- Page 3, line 10, after "different" insert --- from ---.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 5,710,772).

- With regard claim 1, as shown in figures 1-5, Sato discloses a method of classifying a received data frame as belonging to one of a plurality of possible classes (Fig.1(b) for uplink–active speech period, Fig.1(c) for uplink –silent period, and column 3 lines 38-60), each of said classes having a corresponding format wherein a known bit pattern is located in different a respective position within said data frame (Fig.1(b) for uplink–active speech period, Fig.1(c) for uplink –silent period, and column 3 lines 38-60), said method comprising:
 - receiving said frame (Figs.1(b) –1(c) and Fig.2 element 13);
 - computing a first value (column 6 lines 23-25 and lines 53-57, where the computed value is the data length of the time slot) representing a confidence-weighted correlation between said known bit pattern and data from a first position of said frame ((Fig.1(b) for uplink – active speech period, known bit pattern is 324 bits, Fig.1(c) for uplink –silent period, known bit pattern is 68 bits), wherein the calculated value 68 bits or 324 bits representing a confidence-weighted correlation, a silent period or active speech period.), and
 - classifying said frame as belonging to a first class or a second class based on said first value (Fig.5 and column 6 lines 23-57, where if the data length of time slot is found to be 68 bits; it is a silent period and if the data length of time slot is found to be 324 bits; it is an active speech period).

- With regard claim 2, Sato further discloses computing a second value representing a confidence-weighted correlation between said known bit pattern and data from a second position of said frame (column 6 lines 23-52, where the second value could be either SYNC(1) or SYNC(2) as shown in Fig.1(c)), said second position different from said first position (where the first position is considered as a whole frame position either 68 bits or 324 bits and second position is the SYNC(1) or SYNC(2) position inside the frame as shown in Fig.1(c)), and wherein classifying said frame as belonging to a first class or a second class is additionally based on said second value (Fig.5 steps S202 – S209 and column 6 lines 23-52).
- With regard claim 7, Sato further discloses wherein said first class is a normal burst corresponding to a discontinuous transmission-high (DTX-high) state (Fig.1(b) for uplink – active speech period, Fig.5 steps S202, S210, S211, and column 6 lines 53-57), and said second class is a truncated burst corresponding to a discontinuous transmission-low (DTX-low) state (Fig.1(c) for uplink –silent period, Fig.5 steps S202 –S209, and column 6 lines 23-52).
- With regard claim 11, Sato further discloses wherein said received data frame is processed in a first manner (Fig.5 steps S202-S208) or in a second manner (Fig.5 steps S202, S210, S211) different from said first manner, based on the classification of said frame as belonging to a first class (Fig.5 step S202 result of 68 bits of data length) or a second class (Fig.5 step S202 result of 324 bits of data length).

Allowable Subject Matter

2. Claims 12-22 are allowed.
3. Claims 3-6 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
 - The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach and suggest a method of classifying a received data frame as belonging to one of a plurality of possible classes, comprising determining D1, D2 and calculating the ration R steps as recited in claims 12 and 16 and computing a second value as recited in claim 2 and using DTX or CDVCC, and Euclidian as recited in claims 12 and 16, respectively.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ted M. Wang', with a stylized, flowing script.

Ted M. Wang

Ted M Wang
Examiner
Art Unit 2611